

REMARKS

Claims 1-2, 4-24, and 26-31 appear in this application for the Examiner's review and reconsideration.

Applicants are grateful for the Examiner's telephone message on March 21, 2008 regarding the present office action. In order to expedite the prosecution of the present application and obtain allowance at least to a portion of the subject matter in the present application, claims 1, 5, 6, 11, 12, 13, 29, 30, and 31 have been amended. Claims 3 and 25 have been canceled without prejudice. Applicants reserve the right to prosecute the canceled subject matter in one or more related applications. The amendments are supported by the originally filed specification and claims. Specifically, the amendment is supported, *inter alia*, at paragraph [0118]. No new matter has been added. Process claims, claims 15-22 have been withdrawn in a response filed June 27, 2006. Applicant notes that the withdrawn process claims include all of the limitations of at least one pending product claim from the elected claim group (Group I as set forth in the Office Action mailed January 3, 2006). Accordingly, upon allowance of an elected product claim, Applicant respectfully requests rejoinder of the process claims incorporating the limitations of an allowed product claim, in accordance with the provisions of M.P.E.P. § 821.04. Applicants respectfully submit that, upon rejoinder, method claims 15-22 will be in condition for allowance.

Applicants believe that all objections and rejections have been obviated and the application is now in condition for allowance.

I. INTERVIEW SUMMARY

Applicants are grateful for the telephonic message that the Examiner left for the Applicants' representative, stating that the Office Action is a non-final Office Action since the claims have been added to the rejection that were inadvertently left out. Applicants are also grateful for the telephonic interview dated January 22, 2008 during which agreement has been reached with respect to objections over claims 5, 6, and 29. Claims 5, 6, and 29 have been amended to recite modified plasminogen activator inhibitor type-1 as ("PAI-1"), the phrase "in vivo" is replaced with "in vivo", and that the half-life of the modified PAI-1 molecule is longer than the half-life of a corresponding wild-type PAI-1 protein. As such, objections to claims 5, 6, and 29 have been overcome.

II. THE REJECTIONS UNDER 35 U.S.C. § 112, SHOULD BE WITHDRAWN

Claims 1-4, 7-13, 14 and 23-25 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Although Applicants disagree with the Examiner's allegation, in order to expedite prosecution, claims 3 and 25 have been canceled. Accordingly, rejection as to these claims are rendered moot. Claims 1, 11, 12, and 13 have been amended to recite that the modified PAI-1 molecule comprises the amino acid sequence that has at least about 95% similarity to SEQ ID NO:2. Furthermore, the amended claims recite that the modified PAI-1 molecule has an active form and that the phrase "which displays one or more functional activities of an active form of a wild-type PAI-1 protein" has been removed. As such, claims 1, 11, 12 and 13 and their dependent claims satisfy 35 U.S.C. § 112, first paragraph.

Claims 1-4, 7-13, 14, and 23-25 are rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. The Examiner alleged that the specification, while being enabling for the protein set forth in SEQ ID NO:2 with modifications via substitutions of sulphydryl groups at specific positions, does not reasonably provide enablement for any substitutions that are not sulphydryl groups throughout SEQ ID NO:2.

As discussed above, Applicants submit that claims 1, 11, 12, and 13 have been amended to recite that the modified PAI-1 molecule comprises the amino acid sequence which is at least about 95% similarity to SEQ ID NO:2. Furthermore, the amended claims recite that the modified PAI-1 molecule has an active form. As such, Applicants submit that the specification provides sufficient guidance to one skilled in the art to make and use the invention commensurate in scope with the claims.

III. REJOINDER OF WITHDRAWN CLAIMS

The Examiner has imposed a restriction requirement on the present application and states that when a product claim is subsequently found allowable, requirement for restriction between the product claims and the rejoined process claims will be withdrawn. Applicants hereby request rejoinder of the process claims 15-22 which depend from or otherwise include all the limitations of the patentable product.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the formal objections and rejections of the pending claims have been obviated and the rejections should be withdrawn. No new matter has been added by these amendments. Applicants respectfully submit that all claims are now in condition for allowance.

No fee is believed to be due for this amendment. Should any fee be required, please charge such fee to Jones Day Deposit Account No. 50-3013. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same. Allowance of the present application is respectfully requested.

Respectfully submitted,

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